

San Bernardino Associated Governments

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•San Bernardino County Transportation Commission •San Bernardino County Transportation Authority •San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies

MINUTE SUMMARY

Board of Directors Meeting

February 3, 2010

Start Time: 9:30 a.m.

LOCATION

San Bernardino Associated Governments Santa Fe Depot - SANBAG Lobby 1st Floor 1170 W. 3rd Street, San Bernardino, CA

Board of Directors

President

Paul Eaton, Mayor City of Montclair

Vice-President

Brad Mitzelfelt, Supervisor County of San Bernardino

Charley Glasper, Mayor City of Adelanto

Rick Roelle, Mayor
Town of Apple Valley

Julie McIntyre, Mayor Pro Tem City of Barstow

Bill Jahn, Mayor Pro Tem City of Big Bear Lake

Dennis Yates, Mayor City of Chino

Ed Graham, Vice Mayor City of Chino Hills

Kelly Chastain, Mayor City of Colton

Mark Nuaimi, Mayor City of Fontana

Bea Cortes, Council Member City of Grand Terrace

Mike Leonard, Council Member City of Hesperia

Larry McCallon, Council Member City of Highland

Rhodes "Dusty" Rigsby, Mayor Pro Tem City of Loma Linda

Jeff Williams, Mayor City of Needles

Alan Wapner, Council Member City of Ontario

Diane Williams, Council Member City of Rancho Cucamonga

Patricia Gilbreath, Mayor Pro Tem City of Redlands

Ed Scott, Council Member City of Rialto

Patrick Morris, Mayor City of San Bernardino

Jim Harris, Mayor Pro Tem City of Twentynine Palms

John Pomierski, Mayor City of Upland

Ryan McEachron, Council Member City of Victorville

Richard Riddell, Mayor City of Yucaipa

William Neeb, Council Member Town of Yucca Valley

Gary Ovitt, Supervisor County of San Bernardino

Paul Biane, Supervisor County of San Bernardino

Neil Derry, Supervisor County of San Bernardino

Josie Gonzales, Supervisor County of San Bernardino

Ray Wolfe, Caltrans Ex-Officio Member

Deborah Robinson Barmack Executive Director

San Bernardino Associated Governments County Transportation Commission County Transportation Authority County Congestion Management Agency Service Authority for Freeway Emergencies

Board of Directors

February 3, 2010

9:30 a.m.

Location:

San Bernardino Associated Governments Santa Fe Depot SANBAG Lobby, 1st Floor 1170 W. 3rd Street, San Bernardino

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Called to Order - 9:30 a.m. by Mayor Paul Eaton

- I Pledge of Allegiance
- II. Attendance

Charley Glasper, Adelanto Rick Roelle, Apple Valley Julie McIntyre, Barstow Bill Jahn, Big Bear Lake Dennis Yates, Chino Ed Graham, Chino Hills *Kelly Chastain, Colton Mark Nuaimi, Fontana **Bea Cortes, Grand Terrace** Mike Leonard, Hesperia Larry McCallon, Highland Rhodes "Dusty" Rigsby, Loma Linda Paul Eaton, Montclair Jeff Williams, Needles Alan Wapner, Ontario Diane Williams, Rancho Cucamonga

*Arrived after the Consent Calendar

Patricia Gilbreath, Redlands **Ed Scott, Rialto** Patrick Morris, San Bernardino Jim Harris, Twentynine Palms John Pomierski, Upland Ryan McEachron, Victorville Richard Riddell, Yucaipa William Neeb, Yucca Valley Paul Biane, County of San Bernardino Neil Derry County of San Bernardino Brad Mitzelfelt, County of San Bernardino Gary Ovitt, County of San Bernardino Josie Gonzales, County of San Bernardino Raymond Wolfe, Caltrans District 8 Jean-Rene Basle, SANBAG Counsel Deborah Robinson Barmack, SANBAG

- III. Announcements: All policy committees will meet this month on their regularly scheduled dates and times. A groundbreaking ceremony for the I-10/Riverside Avenue Interchange is scheduled on February 18th, 10:00 a.m. at the Hometown Buffett in Rialto. The SB 375 Workshops scheduled for February 17th and February 19th have been cancelled. Kelly Lynn, former WTS President, announced that SANBAG was awarded the 2009 Innovative Transportation Solutions Award for the "San Bernardino Valley Coordinated Traffic Signal System Tier 1 & 2 project." Milo Victoria, the new Executive Director of Omnitrans, was introduced to the Board. President Eaton presented a SANBAG plaque to former board member Gwenn Norton-Perry.
- IV. Agenda Notices/Modifications Revised backup material for Agenda Item 18 was distributed to amend Attachment C which added the San Bernardino (SB) Line Sealed Corridor project to the list. Agenda Item 19 was revised to remove recommendation #3 since funds are already in task #38010000.

1. Possible Conflict of Interest Issues for the Board Meeting of Pg. 12 February 3, 2010

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at SANBAG Policy Committee meetings and made available for public review as noted in the agenda. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up under Agenda Item 25.

Administrative Matters

2. Board of Directors Attendance Roster

Pg. 14

Pg. 18

Pg. 20

Information Only

Information Only

3. November and December 2009 Procurement Report

Receive Monthly Procurement Report. William Stawarski

This item was reviewed and received by the Administrative Committee on January 13, 2010.

4. Measure I Revenue Receipts-Program to Date

Received & Filed

Receive and File Report. William Stawarski

This item was reviewed and received by the Administrative Committee on January 13, 2010.

Notes/Actions:

NONE

MOVED:

SECOND:

Nuaimi

Derry

28-0-0

Notes/Actions: Consent Calendar Continued.... Administrative Matters (Cont.) San Bernardino Associated Governments (SANBAG) Financial Pg. 23 5. Received & Filed Audit Receive the Annual Financial Audit for FY 2008/2009. William Stawarski This item was reviewed and received by the Administrative Committee on January 13, 2010. 6. Pg. 25 **Approved Consent** SANBAG 2010/2011 Budget Schedule Approve 2010/2011 Budget Schedule. William Stawarski This item was reviewed by the Administrative Committee on January 13, 2010 and unanimously recommended for approval. **Approved Consent** 7. FY 2010 Mid-Year Budget Review and Budget Amendment Pg. 27 Authorization Authorize the Executive Director to move funding sources in the approved 2009/2010 SANBAG budget from one Program area to another as may be required based on actual expenditures to adjust for changing revenue sources through June 30, 2010; and Authorize the Executive Director authority to amend the Fiscal Year 2009/2010 SANBAG budget for a variety of tasks as required to cover fringe, indirect, and County Transportation Commission (CTC) expenses up to a total amount of \$1,220,612 using Measure I Administrative, Traffic Management and Environmental Enhancement, and Major Projects Funds from the undesignated fund balances based upon actual staff hours expended through June 30, 2010. Direct staff to report to the Administrative Committee any budgetary adjustments. William Stawarski This item was reviewed by the Administrative Committee on January 13, 2010 and unanimously recommended for approval. Request for Proposal (RFP) for Property Management/Facilities Pg. 30 **Approved Consent** 8. **Management Services** Authorize staff to release Request for Proposal (RFP) 10164 for Property Management/Facilities Management Services of the San Bernardino Depot. Duane Baker This item was reviewed and unanimously recommended for approval

by the Administrative Committee on January 13, 2010. SANBAG

Counsel has reviewed and approved the draft RFP as to form.

			Notes/Actions:
Con	sent Calendar Continued		
Prog	gram Support/Council of Govts.		
9.	Overview of SB 83 (Hancock), Chapter 554	Pg. 39	Information Only
	Receive information on provisions of SB 83. Aaron Hake		
	This item was reviewed by the Administrative Committee on January 13, 2010. After discussion, the Committee recommended that SANBAG take no action to implement SB 83 at this time.		
10.	State Legislative Update	Pg. 44	Received & Filed
	Receive and file a report regarding recent legislative activity in Sacramento pertaining to transportation. Aaron Hake		
	This item was reviewed and received by the Administrative Committee on January 13, 2010.		
11.	SANBAG's 2009 Council of Government Activities	Pg. 55	Received & Filed
	Receive report on SANBAG's Council of Government Activities for 2009. Duane Baker		
	This item was unanimously received by the Administrative Committee on January 13, 2010.		
12.	Amendment to Contract C09054 with the County of San Bernardino for Project Management Services for the Implementation of a New Financial Management Software System	Pg. 57	Approved Consent
	Approve Amendment Number 1 to Contract C09054 with the County of San Bernardino for Financial Management Software System Project Management and Implementation Assistance by increasing the contract authority by \$50,000 as outlined in the Financial Impact Section. Duane Baker		
	This item was reviewed and unanimously recommended for approval by the Administrative Committee on January 13, 2010.		
Pro	ect Development		
13.	Approve Cooperative Agreement No. C04050-2 with Caltrans for the Project Approval and Environmental Document (PA/ED) phase and Plans, Specifications, and Estimates (PS&E) phase of the Interstate 10 (I-10)/Tippecanoe Avenue Interchange project	Pg. 61	Approved Consent
	Approve Amendment No. 2 to Cooperative Agreement C04050 with Caltrans for the PA/ED and PS&E phases of the I-10/Tippecanoe Avenue Interchange project and terminate Cooperative Agreement C10047. Garry Cohoe		
	This item was reviewed and unanimously recommended for approval by the Major Projects Committee on December 10, 2009. SANBAG Counsel has reviewed and approved the agreement as to form.		

		!	Notes/Actions:	
Con.				
Transit/Commuter Rail				
14.	Caltrans Statewide or Urban Transit Planning Grant	Pg. 76	Approved Consent	
	Authorize staff to proceed with a grant application for Statewide or Urban Transit Planning grant funds in an amount not to exceed \$200,000 for the preparation of a study that seeks to identify a range of physical infrastructure improvements to increase modal alternatives, decrease congestion and improve safety around Metrolink and planned E Street sbX stations for pedestrians and cyclists. Ty Schuiling			
	This item was reviewed and unanimously recommended for approval by the Commuter Rail and Transit Committee on January 21, 2010.			
15.	Interim Long Range Transit Plan Workshop Announcement	Pg. 79	Approved Consent	
	Set the SANBAG Board Workshop for the Interim Long Range Transit Plan (LRTP) for immediately following the April 7, 2010 regularly scheduled SANBAG Board meeting. Mitch Alderman			
	This item was reviewed by the Commuter Rail and Transit Committee on January 21, 2010 and unanimously recommended for approval.			
16.	Southern California Regional Rail Authority (SCRRA) Potential Riders Survey Results	Pg. 80	Received & Filed	
	Receive presentation on the most recent potential rider survey that includes key findings on safety, quality of service, and overall experience and impressions for existing and potential riders. Mitch Alderman			
	This item was reviewed and received by the Commuter Rail and Transit Committee on January 21, 2010.			
17.	Southern California Regional Rail Authority (SCRRA) Fiscal Year 2009/2010 Budget Shortfall	Pg. 97	Received & Filed	
	Receive update on the current estimated fiscal year budget shortfall of \$7.7 million with potential solutions. Mitch Alderman			
	This item was reviewed and received by the Commuter Rail and Transit Committee on January 21, 2010.			
18.	Expenditure Plan for the remaining Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA)	Pg. 99	Approved Consent	
	Approve the distribution of \$70,286,423 in remaining Proposition 1B PTMISEA funds as identified in the attached Expenditure Plans (Attachments A through G). Mitch Alderman			
	This item was reviewed by the Commuter Rail and Transit Committee on January 21, 2010 and unanimously recommended for approval.			
	Attachment C was amended to add the San Bernardino (SB) Line Sealed Corridor – SB County.			
	5			

Notes/Actions: **Approved Consent Approved Consent Approved Consent**

Consent Calendar Continued....

Transit/Commuter Rail (Cont.)

19. Redlands First Mile and Redlands Passenger Rail Project

- Pg. 109
- 1. Award Professional Services Contract C10079 in the not-to-exceed amount of \$7,390,150 to HDR Engineering, Inc. for the design, environmental, FTA processing, right-of-way acquisition, and land use services.
- 2. Approve amendment to Task 37910000, Commuter Rail Capital Expenses, increasing the budget authority by \$6,990,150 from FY 09/10 undesignated fund balance.
- 3. Approve amendment to Task 38010000, Redlands Rail Extension, increasing the budget authority by \$400,000 from FY 09/10 undesignated fund balance. Mitch Alderman

This item was reviewed by the Commuter Rail and Transit Committee on January 21, 2010 and unanimously recommended for approval. The agreement has been reviewed and approved as to form by SANBAG Counsel.

Item revised to delete Recommendation #3 request budget amendment to Task 38010000.

20. **Omnitrans Governance**

Pg. 182

- 1. Support efforts to further evaluate and form a transit district for the San Bernardino Valley.
- 2. Direct staff to work with the Omnitrans management and the Omnitrans Ad hoc Governance Committee in the development of legislation to form the district. Mitch Alderman

This item was reviewed by the Commuter Rail and Transit Committee on January 21, 2010 and unanimously recommended for approval.

Transportation Programs & Fund Administration

21. Local Transportation Fund (LTF) Revised Apportionment for Pg. 185 Fiscal Year 2009/2010 and Recommended Apportionment for Fiscal Year 2010/2011

- 1. Approve a decrease of \$11,560,773 to the Fiscal Year 2009/2010 LTF Receipts for a new total of \$53,430,727.
- Approve the use of \$1,975,046 of the \$3,975,046 audited 2. unrestricted fund balance to minimize the impact of the loss of revenue in FY 2009/2010, retaining the remaining \$2,000,000 unrestricted balance as a Fund Reserve for any shortfall during the current or subsequent fiscal years.
- 3. Approve an LTF Estimated Apportionment of \$54,232,188 for Fiscal Year 2010/2011. Victoria Baker

This item was reviewed by the Administrative Committee on January 13, 2010 and unanimously recommended for approval.

DISCUSSION ITEMS

Administrative

- 22. Announcement of Vacancies and Appointments on Regional Pg. 190 Committees
 - . 190 ***See Notes**
 - 1. Note four vacancies on Southern California Association of Governments (SCAG) committees. There are two vacancies on the Community, Economic and Human Development Committee; one vacancy on the Energy and Environment Committee; and one vacancy on the Transportation and Communications Committee.
 - 2. Note vacancy on the Multiple Source Air Pollution Reduction Review Committee (MSRC).
 - 3. Note vacancy for the alternate member from SANBAG on the Alameda Corridor-East Construction Authority. This is an ex-officio position.
 - 4. Note vacancy on the SR 91 Advisory Committee. This is an ex-officio position.
 - 5. Recommend the Board of Directors reappoint Mayor Paul Eaton, City of Montclair, to the Metro Gold Line Phase II Joint Powers Authority and to the Sam and Alfreda L. Maloof Foundation for Arts and Crafts with both terms expiring December 31, 2011. **Duane Baker**

This item has not received prior policy committee review.

*Council Member McCallon encouraged Board Members to participate in the SCAG committees that have vacancies and motioned to re-appoint Mayor Eaton to the Metro Gold Line Phase II Joint Powers Authority and to the Sam and Alfreda L. Maloof Foundation for Arts and Crafts. Second by Mayor Yates. It was unanimously approved (29-0-0).

A separate motion was made by Mayor Riddell to appoint Gwenn Norton-Perry to the MSRC. Second by Supervisor Gonzales. It was unanimously approved (29-0-0).

Discussion Items Continued.....

Regional & Quality of Life Programs

- 23. Execution of Agreements for the J.B. Hunt Alternative Fuel Pg. 193
 Project
 - 1. Authorize the SANBAG Plans and Programs Policy Committee (PPC) to approve Agreements with the California Energy Commission (CEC), J.B. Hunt Transport Services, Inc., Gladstein, Neandross & Associates (GNA), and the Southern California Association of Governments (SCAG) acting as Southern California Clean Cities Administrator;
 - 2. Direct Staff to report to the SANBAG Board any actions taken by the SANBAG Committee. **Michelle Kirkhoff**

This item had no prior Policy Committee Review. This item was reviewed by SANBAG Legal Counsel.

Staff briefed the Board of J.B. Hunt's withdrawal from the Alternative Fuel Project Agreement and the decision of the Department of Energy and the Energy Commission to allow SANBAG to bring a substitute fleet to the project. The Board moved the staff recommendation in the event that ongoing dialogue with J.B. Hunt results in a positive outcome. If no progress is made this item will return to the board with an update on obtaining a substitute partner.

Project Development

24. Informational Presentation on Interstate 10 Riverside Pg. 195
Interchange Project

Receive informational presentation on the current progress of the Interstate 10 Riverside Avenue Interchange Project located in the City of Rialto. **Garry Cohoe**

This is an informational presentation to the February 3, 2010 Board meeting.

Supervisor Gonzales asked staff to explain what measures will be taken to alleviate congestion on surrounding roadways due to the closure of the Riverside Avenue bridge.

Other Matters

25. Consent Calendar Items Pulled for Discussion: NONE

MOVED: Mitzelfelt SECOND: Pomierski 29-0-0

Information Only

Notes/Actions:

Comments from Board Members

Mayor Pro Tem Jahn announced that the ski resorts were opened.

Public Comment:

Gwenn Norton-Perry thanked the board for her appointment to the MSRC.

ADJOURNMENT at 10:10 a.m.

Additional Information

Agency Reports/Committee Memberships Commuter Rail Report Mayor Pro Tem Patricia Gilbreath	Pg. 196
South Coast Air Quality Management Report Mayor Dennis Yates	Pg. 199
Mobile Source Air Pollution Reduction Review Committee (MSRC) Council Member Gwenn Norton-Perry (no report this month)	
SCAG Committees	Pg. 201
SCAG Regional Council	
SCAG Policy Committees	
Community, Economic and Human Development	
Energy and Environment	
Transportation and Communications	
SANBAG Policy Committees Acronym List	Pg. 202 Pg. 206

Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

<u>Agendas</u> – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: <u>www.sanbag.ca.gov</u>. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

<u>Agenda Actions</u> – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

<u>Closed Session Agenda Items</u> – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

<u>Public Testimony on an Item</u> – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

<u>Agenda Times</u> – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

<u>Public Comment</u> – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in "Public Testimony on any Item" still apply.*

<u>Disruptive Conduct</u> – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

SANBAG General Practices for Conducting Meetings of Board of Directors and Policy Committees

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on "Request to Speak" forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may "Call for the Question."
- Upon a "Call for the Question," the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair's discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair's direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.